

## **REMARKS**

Claims 1-18 were originally pending in the application. Claims 1-18 are rejected. Claims 1-3, 6-8, 10, and 16-18 have been amended. Claim 5 has been cancelled. New claims 19-20 have been added. Claims 1-4 and 6-20 are now pending in the application. Favorable reconsideration and allowance of this application is respectfully requested in light of the claim amendments and the following remarks.

### **I. Claim Rejections Under 35 USC 112**

Claim 2 is rejected because the language “integral” is said to render the claim indefinite. Claim 2 has been amended to recite the hinged portion and bridging means as both directly connected to the concave. This claim limitation is supported by the specification and the figures (see Figs. 2-5). Applicant asserts that amended claim 2 overcomes the rejection under 35 USC 112.

Claim 3 is rejected for reciting “such as a torsion rod”. Claim 3 has been amended to remove this limitation, thereby overcoming the rejection under 35 USC 112. Applicant notes, as discussed below, that new claim 19 has been added that depends from claim 3 and limits the pivot to a torsion rod.

Claims 7, 8, and 10 are rejected for reciting “preferably”. The claim term “preferably” has been deleted from each of these claims, thereby overcoming the rejection under 35 USC 112. Applicant notes, as discussed below, that new claim 20 has been added that depends from claim 7 and recites the flap member as being perforated.

Applicant asserts that all rejected claims 2, 3, 7, 8, and 10 are now patentable over 35 USC 112, and withdrawal of the rejections is respectfully requested.

### **II. Claim Rejections Under 35 USC 102**

Claims 1-4 and 13-18 are rejected under 35 USC 102(b) as being anticipated by Kersting. Claim 5 has been identified as containing allowable subject matter at Paragraph 5 of the Office Action. Independent claim 1 has been amended to incorporate the subject matter of original claim 5 (now cancelled), thereby rendering claim 1 patentable over Kersting. Withdrawal of the rejection of claim 1, and corresponding dependent claims 2-4 and 13-16 under 35 USC 102 is therefore respectfully requested.

Independent claim 17 has been amended to include language similar to that of original claim 5, namely that the hinged portion and bridging means are connected together and jointly moveable by means of an over-centre mechanism. As noted by the allowability of cancelled claim 5, Kersting fails to teach or suggest this claim limitation. Withdrawal of the rejection of claim 17 under 35 USC 102 is therefore respectfully requested.

Independent claim 18 recites a method of operating a concave, and has also been amended to include the limitation from original claim 5, namely that the break-over angle is varied by moving the hinged portion jointly with a hinged bridging means via an over-centre mechanism ... (underlined section added for emphasis). Because Kersting fails to teach or suggest this claim limitation, Applicant asserts that claim 18 is patentable over Kersting. Withdrawal of the rejection of claim 18 under 35 USC 102 is therefore respectfully requested.

### **III. Allowable Subject Matter**

Applicant notes with appreciation that claims 5-6, 9, and 11-12 have been found to contain allowable subject matter. As discussed above, the subject matter from original claim 5 (now cancelled) has been incorporated into independent claims 1, 17, and 18.

### **IV. New Claims**

As discussed above, Applicant has added new claim 19 that depends from claim 3 and limits the claimed pivot to a torsion rod. Applicant cites the allowability of claim 3 as providing sufficient basis for the allowance of claim 19.

Applicant has further added new claim 20 that depends from claim 7 and recites the flap member as being perforated. Applicant cites the allowability of claim 7 as providing sufficient basis for the allowance of claim 20.

Formal allowance of new claims 19-20 is respectfully requested.

### **V. Conclusion**

Applicant therefore respectfully asserts that all rejections and objections cited by the Examiner have been overcome. Accordingly, the application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

While no fees are believed to be due for the filing of this communication, Applicant hereby authorizes the Commissioner to charge any fees that are deemed due arising from this or any other communication, to deposit account No. 17-0055. The Examiner is invited to contact the undersigned at the telephone number appearing below if such would advance the prosecution of this application.

Respectfully submitted,

Frank R.G. Duquesne

By: Adam J. Forman  
Adam J. Forman  
Reg. No. 46,707  
Attorney for Applicant  
Quarles & Brady  
411 E. Wisconsin Avenue, Suite 2040  
Milwaukee WI 53202-4497  
(414) 277-5405

MKE\5715026